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POLAROID CORPORATION  
PATENT DEPARTMENT  
1265 MAIN STREET  
WALTHAM, MA 02451

EXAMINER
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BARQADLE, YASIN M

ART UNIT	PAPER NUMBER
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2153

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07/11/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**Office Action Summary**

Application No.

10/023,245

Applicant(s)

BERNIER ET AL.

Examiner

Yasin M. Barqadie

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 02 May 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>05/02/2007</u> . | 6) <input type="checkbox"/> Other: _____  |

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**Response to Amendment**

1. The amendment filed on May 02, 2007 has been fully considered but are not deemed persuasive.

- Claims 1-30 were originally presented for examination.
- Claims 25-30 were cancelled.
- Claims 1-24 are presented for examination.

**Response to Amendment**

2. Applicant in essence argues, "Kemp application does not disclose, teach, or suggest the second data type (generate/render a permanent record of the service) that is required limitation of all of the pending claims." (Page 7, lines 9-15 and page 8, lines 17-18 of the remarks).

Examiner notes that Kemp teaches " print driver 282 submits a job ticket that includes the user's information (including payment type), type of print job to be printed (black and white, color or photo, finishing options, etc.), and number of pages contained in the print job, to service provider server 20." (§ 0069)

"Upon receiving the job ticket and payment information 50 from print driver 282, service provider server 20 processes the job

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ticket to generate a job identification number and a cost of processing the job...If service provider server 20 determines that service provider 2 is able to fulfill the job ticket, then the server calculates a cost, and perhaps even an estimated completion date, based on the job ticket information and generates a job identification number for the job ticket. Service provider server 20 then responds to the job ticket with the cost and job ID information 51 and submits this information via Internet 5 to print driver 282" (§ 0070). Therefore, Kemp clearly teaches generating a job ticket that includes service transaction related information such as cost and payment information. Once the user confirms/approves the job, the job ticket is submitted to the print driver (see also § 0054, 0056 and § 0081-0082).

Regarding Applicant's argument "The Office recognizes this deficiency and turns to the Smith application to remedy the deficiency. However, the Smith application fails to disclose, teach, or suggest the second data type." Examiner respectfully disagrees. Smith's reference is not used to remedy such a deficiency like (rendering a permanent record). Smith is relied upon for other reasons such as the limitation of a user chosen and designated specific remote printer as shown in the office action.

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In response to applicant's argument that the examiner's conclusion of obviousness is based upon improper hindsight reasoning (page 8, third paragraph), it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 1-10, 13-18, 21-24 are rejected under 35 U.S.C.

103(a) as being unpatentable over Kemp et al US PUB (20020078160)

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in view of Smith, II et al. US. Pub. 20020113994 (hereinafter "Smith").

As per claim 1, Kemp et al teach a method of providing a service and generating (providing print service), at the location of a remote printer, a permanent record of said service, wherein, before generating the permanent record, data necessary to provide said service and data necessary to provide said permanent record are processed by at least one remote server operated by a service provider (service provider 2, fig. 1) (abstract and fig. 1), said method comprising the steps:

(A) receiving over data communication network (Internet 5, fig.1) at remote service provider receiving center (fig. 1, 2), from a user operated communications device (fig. 1, 1), a request for the service and said data necessary to provide the service (receiving a request for data to be printed at service provider ¶ 0035; ¶ 0054-0056 and ¶ 0067-0070) including user provided data identifying and specifying a remote printer and data regarding how to address and access said remote printer over a data communications network (user selects remote printer from a list of favorite service providers and choose the provider address and type of printer to perform the service (fig. 5, S116 and fig. 6B, 63), User provides search criteria

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for accessing service provider ¶ 0057-0062), said receiving center comprising at least one service provider operated remote server (service provider 2, fig. 1 operated remote server 20);

said data necessary to provide the service being processed to generate data required for the service (¶ 0035-0042);

(B) processing on said service provider operated remote server said data required for the service and other stored data to generate input data for a remote printer (fig. 5, S116 and fig. 6B, 63 ¶ 0037-0041; 0073 and ¶ 0084-0087);

(C) transmitting by said service provider over a data communication network (Internet 5) to said specific remote printer said input data (print data is submitted over the Internet to a selected remote printer at a remote service provider, fig. 1 ¶ 0020-0023), said input being rendered by the remote printer as the permanent record of said service (¶ 0038-0042; ¶ 0048-0053 and ¶ 0069-0070. see also ¶ 0081-0087).

Although Kemp shows substantial features of the claimed invention including "service provider server 20 could be setup to automatically process the print job data upon receipt and manual operator intervention would not be required" (¶ 0073 and fig. 5, S116 and fig. 6B, 63), he does not explicitly show user chosen and designated specific remote printer. Nonetheless, this

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feature is well known in the art and would have been an obvious modification of the system disclosed by Kemp, as evidenced by Smith USPN. (20020113994).

In analogous art, Smith whose invention is about printing portable-selected information, disclose "a portable device prints using a printer by transferring print information to the printer via the Web. The portable device makes wireless connection with the Web (network 103) via an internet service provider (ISP) 117 to transfer information to user equipment 113 for printing on the printer 115. This information can include truncated information to be directly printed on printer 115, and can include one or more references to a content rich full-information set residing on or accessible to the equipment 113 [¶ 0033; see fig.1 and fig. 7D]. Giving the teaching of Smith, a person of ordinary skill in the art would have readily recognized the desirability and the advantage of modifying Kemp by employing the system of Smith to allow a user to access versatile printing options that allow any time and anywhere printing of a desired information.

As per claim 2, Kemp et al teach the method of Claim 1 wherein the receiving center comprises a receiving server (fig. 1, server 20).



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As per claim 3, Kemp et al teach the method of Claim 2 wherein step (B) farther comprises the steps providing said data required for the service to a printing server (§ 0035-0037); and generating the input data for a specific printer at the printing server (§ 0070-0071 and § 0085).

As per claim 4, Kemp et al teach the method of Claim 1 wherein step (B) further comprises:

completing a transaction at a transaction server, said transaction depending on the requested service, said transaction server being one of said remote servers (fig. 1 and § 0056).

As per claim 5, Kemp et al teach the method of Claim 2 wherein step (B) further comprises:

completing a transaction at a transaction server, said transaction depending on the requested service, said transaction server being one of said remote servers (fig. 1 and § 0056).

As per claim 6, Kemp et al teach the method of Claim 1 further comprising the step of:

sending, after step (B) a message confirming that the request for service has been fulfilled (§ 0066).

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As per claim 7, Kemp et al teach the method of Claim 2 further comprising the step of:

sending, after step (B) a message confirming that the request for service has been fulfilled (§ 0066).

As per claim 8, Kemp et al teach the method of Claim 1 wherein step (B) further comprises:

processing the data for the service and other data to generate input data to produce the optimal quality print for a specific printer (§ 0041, § 0070-0071 and § 0085).

As per claim 9, Kemp et al teach the method of Claim 2 wherein the receiving server is a printing Server (fig. 1, server 20).

As per claim 10, Kemp et al teach the method of Claim 2 wherein the receiving server is a service server (fig. 1, server 20 and § 0039).

As per claim 13, Kemp et al teach the system of Claim 15 wherein the requested service is an image (§ 0036-0038).

As per claim 14, Kemp et al teach the method of Claim 1, wherein the requested service is a compound document (§ 0036-0039).

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Regarding claim 15, this is a system claim with similar limitations as claim 1 above. Therefore, it is rejected with the same rationale.

As per claim 16, Kemp et al teach the system of Claim 15 further comprising:

means for completing a transaction at a transaction server, said transaction depending on the requested service, said transaction server being one of said remote servers (fig. 1 and ¶ 0056).

As per claim 17, Kemp et al teach the system of Claim 15 further comprising:

means for sending, after processing the data required for the service, a message confirming that the request for service has been fulfilled (¶ 0066).

As per claim 18, Kemp et al teach the system of Claim 15 further comprising:

means for processing the data for the service and other data to generate input data to produce the optimal quality print for a specific printer (¶ 0041, ¶ 0070-0071 and ¶ 0085).

As per claim 21, Kemp et al teach the system of Claim 15 wherein the requested service is an image (¶ 0036-0038).

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As per claim 22, Kemp et al teach the system of Claim 15 wherein the requested service is a compound document (§ 0036-0039).

As per claim 23, Kemp et al teach the system of Claim 15 wherein the receiving center comprises a receiving server (fig. 1, server 20 and § 0038-0042).

As per claim 24, Kemp as modified by Smith teach the system of Claim 15 further comprising:

means for providing said data required for the service to a printing server (fig. 1, server 20 and § 0039); and

means for generating the input data for a specific printer at the printing server (fig. 5, S116 and fig. 6B, 63 § 0038-0042 § 0073).

4. Claims 11-12 and 19-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kemp et al US PUB (20020078160) in view of Sehr US. Pub. (20020100802) and further in view of Smith.

Regarding claim 11 and 19, although Kemp et al show substantial features of the claimed invention, he does not explicitly show wherein the requested service is an event ticket.

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Nonetheless, this feature is well known in the art and would have been an obvious modification of the system disclosed by Kemp et al, as evidenced by Sehr US Pub. (20020100802).

In analogous art, Sehr whose invention is about services offered by service providers at remote locations, such as advanced ticket purchasing stations, automated vending machines, travel agencies and entertainment entities, or providers of on-line services to traveling individuals, discloses providing an event ticket service [¶ 0029 and 0054]. Giving the teaching of Sehr, a person of ordinary skill in the art would have readily recognized the desirability and the advantage of modifying Kemp et al by employing the system of Sehr because this will improve quality of service offered to customers using ticket dependant events to participate the event with a minimal delay.

As per claim 12 and 20, Sehr teaches the method of Claim 1 and 15, wherein the requested service is a coupon [redeemable points in a card ¶00 47 and 0053].

### **Conclusion**

All claims are drawn to the same invention claimed in the application prior to the entry of the submission under 37 CFR

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1.114 and could have been finally rejected on the grounds and art of record in the next Office action if they had been entered in the application prior to entry under 37 CFR 1.114.

Accordingly, **THIS ACTION IS MADE FINAL** even though it is a first action after the filing of a request for continued examination and the submission under 37 CFR 1.114. See MPEP § 706.07(b). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

The prior made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yasin

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Barqadle whose telephone number is 571-272-3947. The examiner can normally be reached on 9:00 AM to 5:30 PM.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenn Burgess can be reached on 571-272-3949. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9306 for regular communications and 703-746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either private PAIR or public PAIR system. Status information for unpublished applications is available through private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

YB

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**GLENN B. BURGESS**  
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